

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DAVID TROUPE,  
Plaintiff,  
v.  
EDWARD WOODS, et al.,  
Defendant

CASE NO. 3:16-CV-05077-RBL-DWC

ORDER GRANTING-IN-PART  
MOTION TO STAY

Plaintiff David Troupe, proceeding *pro se* and *in forma pauperis*, initiated this action pursuant to 42 U.S.C. § 1983. Presently pending before the Court are: (1) Defendants' Motion to Dismiss Action as Frivolous and Revoke Plaintiff's In Forma Pauperis Status ("Motion to Dismiss") Dkt. 26; and (2) Defendants' Motion to Stay Case Pending Decision on Defendants' Motion to Revoke Plaintiff's In Forma Pauperis Status and Dismiss this Action as Frivolous ("Motion to Stay"). Dkt. 31. This Order addresses only Defendants' Motion to Stay.

On April 22, 2016, Defendants filed the Motion to Dismiss, alleging, in part, Plaintiff has failed to exhaust his administrative remedies. Dkt. 26. After filing the Motion to Dismiss, on April 22, 2016, Defendants filed the Motion to Stay seeking a stay of the proceedings until the Court rules on the Motion to Dismiss. Dkt. 31. Specifically, Defendants ask the Court to stay the

1 proceedings as follows: (1) prevent any party from engaging in discovery and (2) prevent any  
2 party from filing motions or other documents unrelated to the Motion to Dismiss. *Id.*

3       A. Discovery

4       Defendants request the Court issue an order preventing any party from engaging in  
5 discovery until the Court rules on the Motion to Dismiss. Dkt. 31. The Court has broad  
6 discretionary powers to control discovery. *Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir.  
7 1988). Upon showing of good cause, the Court may deny or limit discovery. Fed. R. Civ. P.  
8 26(c). A court may relieve a party of the burdens of discovery while a dispositive motion is  
9 pending. *DiMartini v. Ferrin*, 889 F.2d 922 (9th Cir. 1989), *amended at* 906 F.2d 465 (9<sup>th</sup> Cir.  
10 1990); *Rae v. Union Bank*, 725 F.2d 478 (9th Cir. 1984).

11       The ruling on the Motion to Dismiss may resolve all of Plaintiff's claims. Thus, a stay of  
12 discovery while the motion is pending will serve the ends of justice by the parties' and Court  
13 avoiding the use of resources which may ultimately not be required. Further, a stay will not  
14 prejudice Plaintiff as the Complaint must stand on its face and the ruling on the Motion to  
15 Dismiss could impact the scope of discovery.

16       B. Filing Motions and Other Documents

17       Defendants also request the Court enter an order preventing any party from filing motions  
18 or other documents unrelated to the Motion to Dismiss until the Court rules on the Motion to  
19 Dismiss. Dkt. 31. Preventing the parties from filing motions and other documents unrelated to  
20 Defendants' Motion to Dismiss is an overbroad restriction at this time. Plaintiff has not burdened  
21 Defendants with an excessive number of motions in this case. Thus, Defendants have not shown  
22 an order prohibiting the parties from filing motions or other documents will meet the ends of  
23 justice.

### C. Conclusion

2 Accordingly, Defendants' Motion is granted-in-part and denied-in-part as follows: All  
3 discovery is stayed in this case pending further order from this Court. However, the parties are  
4 not prohibited from filing motions or other documents.

Dated this 31st day of May, 2016.

W. Christel

David W. Christel  
United States Magistrate Judge